

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

United States of America,)	C.A. No. 66-cv-00598-HFF
)	
Plaintiff,)	AND
)	
vs.)	C.A. No. 70-cv-00563-HFF
)	
Calhoun County School District One,)	
)	
Defendant.)	
)	
)	CONSENT ORDER
United States of America,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Calhoun County School District Two,)	
)	
Defendant.)	

The School District of Calhoun County, South Carolina (the "District"), is constructing a New St. Matthews K-8 School, as well as making additions and renovations to its Sandy Run School to make it a K-8 school as well, both pursuant to the Court's Order of November 21, 2006, in the above-referenced matters. Part of the November 21, 2006, Order is the establishment of attendance zones. Id. at 3, ¶ 3 and Exhibit 2. As noted therein, the attendance zones adopted by the District's Board of Trustees (the "Board") on October 2, 2006, provided a map and projected enrollment of the completed K-8 schools at the beginning of the 2009-2010 school year. (Hereafter the "2006 Plan".)

When the November 2006 Order implemented the 2006 Plan, the site of the New St. Matthews School had not been chosen. It was projected, based on confidential property acquisition negotiations, that the new K-8 school would be approximately five (5) miles

southeast of the town of St. Matthews, within the yellow circle shown on Exhibit 2 to the Order. The negotiations for this site proved unsuccessful. Thereafter, the site chosen for the new school (and approved by this Court) was actually in the town of St. Matthews, directly across the street from the existing Calhoun County High School. See, Order of July 17, 2007 ("District may construct the New K-8 school on the site of the 43 acres, more or less, on Saints Avenue in St. Matthews.... This site is across Saints Avenue from CCHS.").

As the 2009-2010 school year approaches and the District is preparing to implement the 2006 Plan, it is apparent that the 2006 Plan places several students who live southwest of the town of St. Matthews in close proximity to the actual location of the New St. Matthews School, yet zones them to attend the Sandy Run School. Specifically, the 2006 Plan creates a situation where a small group of students in the Burke Road area will be transported to Sandy Run School, although they live closer to the New St. Matthews School. The District proposes a revision to the 2006 Plan for the purpose of allowing these students to be zoned to the New St. Matthews School. The District presents three specific different scenarios for revisions to the 2006 Plan, i.e., Scenarios A, B, and C. (Attached hereto). The United States has reviewed the Scenarios and does not object to the use of any of them for the Defendant's K-8 attendance zones beginning with the 2009-2010 school year.

Having reviewed the materials and being fully advised in the premises:

1. The District is permitted to use any one of Scenarios A, B, or C, for the establishment of the attendance zones for the K-8 schools beginning with the 2009-2010 school year.
2. The prior orders of this Court remain in effect, except as modified herein.

AND IT IS SO ORDERED.

s/Henry F. Floyd
United States District Judge

February 13, 2009

WE CONSENT:

United States Attorney
W. Walter Wilkins

By: /s/ Robert F. Daley, Jr.
Robert F. Daley, Jr. Fed. ID # 6460
Assistant United States Attorney
1st Union Building
1441 Main Street, Suite 500
Columbia, SC 29201
(803) 929-3000

Loretta King
Acting Assistant Attorney General

By: /s/ Allison R. Brown
Jeremiah Glassman
Amy I. Berman
Allison R. Brown
U. S. Department of Justice
950 Pennsylvania Ave., N.W.
PHB-4th Floor
Washington, DC 20530
(202) 514-4092

Attorneys for the Plaintiff,
the United States of America

By: /s/ Keith R. Powell
William F. Halligan, Fed. I.D. No. 1680
Keith R. Powell, Fed. I.D. No. 10115

Childs & Halligan, P.A.
P.O. Box 11367
Columbia, SC 29211
(803) 254-4035

Attorney for the Defendant,
Calhoun County School District